

RECEIVED  
CENTRAL FAX CENTER  
JUL 25 2006

REMARKS

Claims 1 and 2 have been amended and are currently pending.

35 U.S.C. §102(e) Rejections

The Office Action rejected claims 1 and 2 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0155629 to *Fairbairn et al.* (hereinafter "*Fairbairn*"). In response to this rejection, Claim 1 has been amended to recite a system, comprising, among other features, a controller having computer program code configured to perform the step of "monitoring a health of the etch subsystem based at least in part on the information received from the etch subsystem." The Applicants submit that *Fairbairn* does not disclose this feature. While *Fairbairn* does disclose at least a review tool, *Fairbairn* does not disclose that the review tool monitors the health of a tool, as recited in amended claim 1. Accordingly, as amended, claim 1 is not anticipated by *Fairbairn* and the Applicants respectfully request that the rejection be withdrawn.

In addition, claim 2 has been amended to recite a system having, among other features, a controller comprising computer program code configured to perform the step of "monitoring a health of the etch subsystem based on the information received from the etch subsystem." As discussed above, *Fairbairn* does not disclose this feature. Therefore, as amended, claim 2 is not anticipated by *Fairbairn* and the Applicants respectfully request that the rejection be withdrawn.

Conclusion

The Applicants believe all the pending claims are in condition for allowance, and respectfully request reconsideration and allowance of the same.

A separate Request for Extension of Time is transmitted herewith, with authorization to charge deposit account No. 04-1696 the requisite extension fee. Applicants do not believe any other fees are due regarding this amendment. If any additional fees are required, however, please charge Deposit Account No. 04-1696. Applicants encourage the Examiner to telephone Applicants' attorney to discuss the amendment should any issues remain.

Respectfully Submitted,



Brian M. Dugan, Esq.  
Registration No. 41,720  
Dugan & Dugan, PC  
Attorneys for Applicants  
(914) 332-9081

Dated: July 25, 2006  
Tarrytown, New York